

(d) Sexually explicit adult programming or other programming that is indecent means any programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for the cable or other multichannel video programming distribution medium.

[61 FR 9650, Mar. 11, 1996]

Subpart H—General Operating Requirements

§ 76.300 Scope of application.

(a) The provisions of §§ 76.302, 76.306, and 76.307 are applicable to all cable television systems.

(b) The provisions of §§ 76.301 and 76.305 are not applicable to any cable television system serving fewer than 1,000 subscribers.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317))

[42 FR 19349, Apr. 13, 1977, as amended at 43 FR 20235, May 11, 1978; 58 FR 17364, Apr. 2, 1993]

§ 76.301 Copies of rules.

The operator of a cable television system shall have a current copy of Part 76 and, if subject to the Emergency Alert System (EAS) rules contained in Part 11 of this chapter, an EAS Operating Handbook, and is expected to be familiar with the rules governing cable television systems and the EAS. Copies of the Commission's Rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at nominal cost. Copies of the EAS Operating Handbook may be obtained from the Commission's EAS staff, in Washington, DC.

[59 FR 67103, Dec. 28, 1994]

§ 76.302 Required recordkeeping for must-carry purposes.

(a) Effective June 17, 1993, the operator of every cable television system shall maintain for public inspection a file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry

requirements pursuant to § 76.56. Such list shall include the call sign, community of license, broadcast channel number, cable channel number, and in the case of a noncommercial educational broadcast station, whether that station was carried by the cable system on March 29, 1990.

(b) The operator of every cable television system shall maintain for public inspection the designation and location of its principal headend.

(c) Such records must be maintained in accordance with the provisions of § 76.305(b).

(d) Upon written request from any person, a cable operator is required to provide the list of signals specified in paragraph (a) of this section in writing within 30 days of receipt of such request.

[58 FR 17364, Apr. 2, 1993]

§ 76.305 Records to be maintained locally by cable system operators for public inspection.

(a) *Records to be maintained.* The operator of every cable television system having 1,000 or more subscribers shall maintain for public inspection a file containing a copy of all records which are required to be kept by § 76.207 (political file); 76.221(f) (sponsorship identifications); 76.79 (EEO records available for public inspection); 76.225(c) (commercial records for children's programming); 76.601(c) (proof-of-performance test data); 76.601(e) (signal leakage logs and repair records) and § 76.701(h) (records for leased access).

(1) A record shall be kept of each test and activation of the Emergency Alert System (EAS) procedures pursuant to the requirement of part 11 of this chapter and the EAS Operating Handbook. These records shall be kept for three years.

(2) [Reserved]

(b) *Location of records.* The public inspection file shall be maintained at the office which the system operator maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the community served by the system unit(s) (such as a public registry for documents or an attorney's office). The public inspection file shall be available